

Senate Study Bill 1097

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the department of corrections and its duties
2 regarding treatment and education of inmates at various
3 correctional facilities, release of presentence reports,
4 optional inmate treatment and education provision, expansion
5 of and appeals regarding earned time credits, optional
6 operational provisions for some correctional facilities,
7 change to the inmate savings and inmate telephone rebate fund,
8 and payment of supervision fees.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
10 TLSB 1287DP 80
11 jm/cf/24

PAG LIN

1 1 Section 1. Section 901.4, Code 2003, is amended to read as
1 2 follows:
1 3 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL ==
1 4 DISTRIBUTION.
1 5 The presentence investigation report is confidential and
1 6 the court shall provide safeguards to ensure its
1 7 confidentiality, including but not limited to sealing the
1 8 report, which may be opened only by further court order. At
1 9 least three days prior to the date set for sentencing, the
1 10 court shall serve all of the presentence investigation report
1 11 upon the defendant's attorney and the attorney for the state,
1 12 and the report shall remain confidential except upon court
1 13 order. However, the court may conceal the identity of the
1 14 person who provided confidential information. The report of a
1 15 medical examination or psychological or psychiatric evaluation
1 16 shall be made available to the attorney for the state and to
1 17 the defendant upon request. The reports are part of the
1 18 record but shall be sealed and opened only on order of the
1 19 court. If the defendant is committed to the custody of the
1 20 Iowa department of corrections and is not a class "A" felon, a
1 21 copy of the presentence investigation report shall be
1 22 forwarded to the director with the order of commitment by the
1 23 clerk of the district court and to the board of parole at the
1 24 time of commitment. ~~The Pursuant to section 904.602, the~~
1 25 presentence investigation report may also be released by the
1 26 department of corrections or a judicial district department of
1 27 correctional services ~~pursuant to section 904.602~~ to another
1 28 jurisdiction for the purpose of providing interstate probation
1 29 and parole compact services or evaluations, or to a substance
1 30 abuse or mental health services provider when referring a
1 31 defendant for services. The defendant or the defendant's
1 32 attorney may file with the presentence investigation report, a
1 33 denial or refutation of the allegations, or both, contained in
1 34 the report. The denial or refutation shall be included in the
1 35 report. If the person is sentenced for an offense which
2 1 requires registration under chapter 692A, the court shall
2 2 release the report to the department which is responsible
2 3 under section 692A.13A for performing the assessment of risk.
2 4 Sec. 2. Section 901B.1, subsection 1, paragraph c,
2 5 subparagraph (5), Code 2003, is amended to read as follows:
2 6 (5) A substance abuse treatment facility as established
2 7 and operated by the Iowa department of public health or the
2 8 department of corrections.
2 9 Sec. 3. Section 901B.1, subsection 3, unnumbered paragraph
2 10 1, Code 2003, is amended to read as follows:
2 11 Each judicial district and judicial district department of
2 12 correctional services shall, if sufficient funding is
2 13 available, implement an intermediate criminal sanctions
2 14 program by July 1, 2001. An intermediate criminal sanctions
2 15 program shall consist of only levels two, three, and sublevels
2 16 one and three of level four of the corrections continuum and
2 17 shall be operated in accordance with an intermediate criminal

2 18 sanctions plan adopted by the chief judge of the judicial
2 19 district and the director of the judicial district department
2 20 of correctional services. The plan adopted shall be designed
2 21 to reduce probation revocations to prison through the use of
2 22 incremental, community-based sanctions for probation
2 23 violations.

2 24 Sec. 4. Section 903A.2, subsection 1, paragraph a, Code
2 25 2003, is amended to read as follows:

2 26 a. Category "A" sentences are those sentences which are
2 27 not subject to a maximum accumulation of earned time of
2 28 fifteen percent of the total sentence of confinement under
2 29 section 902.12. To the extent provided in subsection 5,
2 30 category "A" sentences also include life sentences imposed
2 31 under section 902.1. An inmate of an institution under the
2 32 control of the department of corrections who is serving a
2 33 category "A" sentence is eligible for a reduction of sentence
2 34 equal to one and two-tenths days for each day the inmate
2 35 demonstrates good conduct and satisfactorily participates in
3 1 any program or placement status identified by the director to
3 2 earn the reduction. The programs include but are not limited
3 3 to the following:

- 3 4 (1) Employment in the institution.
- 3 5 (2) Iowa state industries.
- 3 6 (3) An employment program established by the director.
- 3 7 (4) A treatment program established by the director.
- 3 8 (5) An inmate educational program approved by the
3 9 director.

3 10 An inmate serving a category "A" sentence is eligible for
3 11 an additional reduction of sentence of up to three hundred
3 12 sixty-five days of the full term of the sentence of the inmate
3 13 for exemplary acts. In accordance with section 903A.4, the
3 14 director shall by policy identify what constitutes an
3 15 exemplary act that may warrant an additional reduction of
3 16 sentence.

3 17 Sec. 5. Section 903A.3, subsection 2, Code 2003, is
3 18 amended to read as follows:

3 19 2. The orders of the administrative law judge are subject
3 20 to appeal to the superintendent or warden of the institution,
3 21 or the superintendent's or warden's designee, who may either
3 22 affirm, modify, remand for correction of procedural errors, or
3 23 reverse an order. However, sanctions shall not be increased
3 24 on appeal. ~~A decision of the superintendent, warden, or~~
3 25 ~~designee is subject to review by the director of the Iowa~~
3 26 ~~department of corrections who may either affirm, modify,~~
3 27 ~~remand for correction of procedural errors, or reverse the~~
3 28 ~~decision. However, sanctions shall not be increased on~~
3 29 ~~review.~~

3 30 Sec. 6. Section 904.108, subsection 1, paragraph d, Code
3 31 2003, is amended to read as follows:

3 32 d. ~~Establish~~ If sufficient funding is available, establish
3 33 and maintain acceptable standards of treatment, training,
3 34 education, and rehabilitation in the various state penal and
3 35 corrective institutions which shall include habilitative
4 1 services and treatment for offenders with mental retardation.
4 2 For the purposes of this paragraph, "habilitative services and
4 3 treatment" means medical, mental health, social, educational,
4 4 counseling, and other services which will assist a person with
4 5 mental retardation to become self-reliant. ~~However, if~~
4 6 sufficient funding is available, the director may also provide
4 7 rehabilitative treatment and services to other persons who
4 8 require the services. The director shall identify all
4 9 individuals entering the correctional system who are persons
4 10 with mental retardation, as defined in section 222.2, or
4 11 subsection 4. Identification shall be made by a qualified
4 12 professional in the area of mental retardation. In assigning
4 13 an offender with mental retardation, or an offender with an
4 14 inadequately developed intelligence or with impaired mental
4 15 abilities, to a correctional facility, the director shall
4 16 consider both the program needs and the security needs of the
4 17 offender. The director shall consult with the department of
4 18 human services in providing habilitative services and
4 19 treatment to offenders with mental illness or mental
4 20 retardation. The director may enter into agreements with the
4 21 department of human services to utilize mental health
4 22 institutions and share staff and resources for purposes of
4 23 providing habilitative services and treatment, as well as
4 24 providing other special needs programming. Any agreement to
4 25 utilize mental health institutions and to share staff and
4 26 resources shall provide that the costs of the habilitative
4 27 services and treatment shall be paid from state funds. Not
4 28 later than twenty days prior to entering into any agreement to

4 29 utilize mental health institution staff and resources, other
4 30 than the use of a building or facility, for purposes of
4 31 providing rehabilitative services and treatment, as well as
4 32 other special needs programming, the directors of the
4 33 departments of corrections and human services shall each
4 34 notify the chairpersons and ranking members of the joint
4 35 appropriations subcommittees that last handled the
5 1 appropriation for their respective departments of the pending
5 2 agreement. Use of a building or facility shall require
5 3 approval of the general assembly if the general assembly is in
5 4 session or, if the general assembly is not in session, the
5 5 legislative council may grant temporary authority, which shall
5 6 be subject to final approval of the general assembly during
5 7 the next succeeding legislative session.

5 8 Sec. 7. Section 904.206, Code 2003, is amended to read as
5 9 follows:

5 10 904.206 NEWTON CORRECTIONAL FACILITY.

5 11 The correctional facility at Newton shall be utilized as a
5 12 correctional facility. The facility shall include minimum
5 13 security facilities and may include violator facilities
5 14 pursuant to section 904.207.

5 15 Sec. 8. Section 904.207, Code 2003, is amended to read as
5 16 follows:

5 17 904.207 VIOLATOR FACILITY.

5 18 The director ~~shall~~ may establish a violator facility as a
5 19 freestanding facility, or designate a portion of an existing
5 20 correctional facility for the purpose. A violator facility is
5 21 for the temporary confinement of offenders who have violated
5 22 conditions of release under work release or parole as defined
5 23 in section 906.1, or probation granted as a result of
5 24 suspension of a sentence to the custody of the director of the
5 25 department of corrections. The director shall adopt rules
5 26 pursuant to chapter 17A, subject to the approval of the board,
5 27 to ~~implement~~ administer this section.

5 28 Sec. 9. Section 904.503, subsection 2, Code 2003, is
5 29 amended to read as follows:

5 30 2. When the director has cause to believe that an inmate
5 31 in a state correctional institution is mentally ill, the Iowa
5 32 department of corrections may cause the inmate to be
5 33 transferred to the Iowa medical and classification center, or
5 34 to another appropriate facility within the department, for
5 35 examination, diagnosis, or treatment. The inmate shall be
6 1 confined at that ~~institution center or facility~~ or a state
6 2 hospital for persons with mental illness until the expiration
6 3 of the inmate's sentence or until the inmate is pronounced in
6 4 good mental health. If the inmate is pronounced in good
6 5 mental health before the expiration of the inmate's sentence,
6 6 the inmate shall be returned to the state correctional
6 7 institution until the expiration of the inmate's sentence.

6 8 Sec. 10. Section 904.503, subsection 3, Code 2003, is
6 9 amended by striking the subsection.

6 10 Sec. 11. Section 904.508, subsection 2, Code 2003, is
6 11 amended to read as follows:

6 12 2. ~~The Pursuant to section 904.702, the director shall~~
6 13 establish and maintain an inmate savings fund in an interest=
6 14 bearing account for the deposit of all or part of an inmate's
6 15 allowances, ~~as provided in section 904.702 and amounts sent to~~
6 16 ~~the inmate from a source other than the department.~~ All or
6 17 part of an inmate's allowances and amounts from a source other
6 18 than the department shall be deposited into the savings fund,
6 19 until the inmate's deposit is equal to ~~the amount due the~~
6 20 ~~inmate upon discharge, parole, or placement on work release,~~
6 21 one hundred dollars as provided in section 906.9. If an
6 22 inmate's deposits are equal ~~this amount to or in excess of one~~
6 23 hundred dollars, the inmate may voluntarily withdraw from the
6 24 savings fund. The director shall notify the inmate of this
6 25 right to withdraw and shall provide the inmate with a written
6 26 request form to facilitate the withdrawal. If the inmate
6 27 withdraws and the inmate's deposits exceed the amount due as
6 28 provided in section 906.9, the director shall disburse the
6 29 excess amount as provided for allowances under section
6 30 904.702, except the director shall not deposit the excess
6 31 amount in the inmate savings fund. If the inmate chooses to
6 32 continue to participate in the savings fund, the inmate's
6 33 deposits shall be returned to the inmate upon discharge,
6 34 parole, or placement on work release. Otherwise, the inmate's
6 35 deposits shall be disposed of as provided in subsection 3. An
7 1 inmate's deposits into the savings fund may be used to provide
7 2 the money due the inmate upon discharge, parole, or placement
7 3 on work release, as required under section 906.9. Interest
7 4 earned from the savings fund shall be placed in a separate

7 5 account, and may be used for purchases approved by the
7 6 director to directly and collectively benefit inmates.
7 7 Sec. 12. Section 904.508A, Code 2003, is amended to read
7 8 as follows:

7 9 904.508A INMATE TELEPHONE ~~REBATE~~ FUND.

7 10 The department is authorized to establish and maintain an
7 11 inmate telephone rebate fund ~~in each institution~~ for the
7 12 deposit of moneys received for inmate telephone rebates. All
7 13 funds deposited in this fund shall be used for the benefit of
7 14 inmates. The director shall adopt rules providing for the
7 15 disbursement of moneys from the fund.

7 16 Sec. 13. Section 904.513, subsection 1, paragraph b,
7 17 subparagraph (4), Code 2003, is amended to read as follows:

7 18 (4) Assignment may also be made on the basis of the
7 19 offender's treatment program performance, as a disciplinary
7 20 measure, for medical needs, and for space availability at
7 21 community residential facilities. If there is insufficient
7 22 space at a community residential facility, the court may order
7 23 an offender to be released to the supervision of the judicial
7 24 district department of correctional services, ~~or held in jail,~~
7 25 or committed to the custody of the director of the department
7 26 of corrections for assignment to an appropriate correctional
7 27 facility until there is sufficient space at a community
7 28 residential facility.

7 29 Sec. 14. Section 904.516, Code 2003, is amended by adding
7 30 the following new subsection:

7 31 NEW SUBSECTION. 1A. If sufficient funding is available,
7 32 the department shall provide special education to a child
7 33 under eighteen years of age committed to the custody of the
7 34 director if the child requires special education pursuant to
7 35 chapter 256B.

8 1 Sec. 15. Section 904.702, unnumbered paragraph 1, Code
8 2 2003, is amended to read as follows:

8 3 If allowances are paid pursuant to section 904.701, the
8 4 director shall establish an inmate account, for deposit of
8 5 those allowances and for deposit of moneys sent to the inmate
8 6 from a source other than the department of corrections. The
8 7 director may deduct an amount, not to exceed ten percent of
8 8 the amount of the allowance, unless the inmate requests a
8 9 larger amount, to be deposited into the inmate savings fund as
8 10 required under section 904.508, subsection 2. In addition to
8 11 deducting a portion of the allowance, the director may also
8 12 deduct from an inmate account any amount sent to the inmate
8 13 from a source other than the department of corrections for
8 14 deposit in the inmate savings fund as required under section
8 15 904.508, subsection 2, until the amount in the fund equals the
8 16 amount due the inmate upon discharge, parole, or placement on
8 17 work release.

The director shall deduct from the inmate
8 18 account an amount established by the inmate's restitution plan
8 19 of payment. The director shall also deduct from any remaining
8 20 account balance an amount sufficient to pay all or part of any
8 21 judgment against the inmate, including but not limited to
8 22 judgments for taxes and child support, and court costs and
8 23 fees assessed either as a result of the inmate's confinement
8 24 or amounts required to be paid under section 610A.1. Written
8 25 notice of the amount of the deduction shall be given to the
8 26 inmate, who shall have five days after receipt of the notice
8 27 to submit in writing any and all objections to the deduction
8 28 to the director, who shall consider the objections prior to
8 29 transmitting the deducted amount to the clerk of the district
8 30 court. The director need give only one notice for each action
8 31 or appeal under section 610A.1 for which periodic deductions
8 32 are to be made. The director shall next deduct from any
8 33 remaining account balance an amount sufficient to pay all or
8 34 part of any costs assessed against the inmate for misconduct
8 35 or damage to the property of others. The director may deduct
9 1 from the inmate's account an amount sufficient to pay for the
9 2 inmate's share of the costs of health services requested by
9 3 the inmate and for the treatment of injuries inflicted by the
9 4 inmate on the inmate or others. The director may deduct and
9 5 disburse an amount sufficient for industries' programs to
9 6 qualify under the eligibility requirements established in the
9 7 Justice Assistance Act of 1984, Pub. L. No. 98-473, including
9 8 an amount to pay all or part of the cost of the inmate's
9 9 incarceration. The director may pay all or any part of
9 10 remaining allowances paid pursuant to section 904.701 directly
9 11 to a dependent of the inmate, or may deposit the allowance to
9 12 the account of the inmate, or may deposit a portion and allow
9 13 the inmate a portion for the inmate's personal use.

9 14 Sec. 16. Section 905.7, unnumbered paragraph 1, Code 2003,
9 15 is amended to read as follows:

9 16 The Iowa department of corrections shall provide assistance
9 17 and support to the respective judicial districts to aid them
9 18 in complying with this chapter, and shall promulgate rules
9 19 pursuant to chapter 17A establishing guidelines in accordance
9 20 with and in furtherance of the purposes of this chapter. The
9 21 guidelines shall include, but need not be limited to,
9 22 requirements that each district department, if sufficient
9 23 funding is available:

9 24 Sec. 17. Section 906.9, Code 2003, is amended to read as
9 25 follows:

9 26 906.9 CLOTHING, TRANSPORTATION, AND MONEY.

9 27 When an inmate is discharged, paroled, or placed on work
9 28 release, the warden or superintendent shall furnish the
9 29 inmate, at state expense, appropriate clothing and
9 30 transportation to the place in this state indicated in the
9 31 inmate's discharge, parole, or work release plan. ~~When an~~
~~9 32 inmate is discharged, paroled, or placed on work release, the~~
9 33 ~~The~~ warden or superintendent shall provide the inmate, ~~at~~
~~9 34 state expense or through inmate savings as provided in section~~
9 35 ~~904.508, money in accordance with the following schedule:~~

10 1 ~~1. Upon one hundred dollars upon discharge, or parole, one~~
~~10 2 hundred dollars or work release. However, if the amount in~~
10 3 ~~the fund is less than one hundred dollars upon discharge,~~
10 4 ~~parole, or work release, the inmate shall only receive the~~
10 5 ~~balance of the funds available. If the balance of the funds~~
10 6 ~~exceeds one hundred dollars, the inmate shall receive one~~
10 7 ~~hundred dollars and any excess funds shall be disbursed as~~
10 8 ~~provided in section 904.508.~~

10 9 ~~2. Upon being placed on work release, fifty dollars.~~

10 10 ~~Those inmates receiving payment under subsection 2 shall~~
~~10 11 not be eligible for payment under subsection 1 unless they are~~
~~10 12 returned to the institution. An inmate shall only be eligible~~
~~10 13 to receive one payment under this section during any twelve-~~
~~10 14 month period. The warden or superintendent shall maintain an~~
10 15 account of all funds expended pursuant to this section.

10 16 Sec. 18. Section 907.9, subsections 1, 2, and 4, Code
10 17 2003, are amended to read as follows:

10 18 1. At any time that the court determines that the purposes
10 19 of probation have been fulfilled and the fees imposed under
10 20 section 905.14 have been paid ~~to or waived by the judicial~~
~~10 21 district department of correctional services or on condition~~
10 22 ~~that unpaid supervision fees be paid,~~ the court may order the
10 23 discharge of a person from probation.

10 24 2. At any time that a probation officer determines that
10 25 the purposes of probation have been fulfilled and the fees
10 26 imposed under section 905.14 have been paid ~~to or waived by~~
~~10 27 the judicial district department of correctional services or~~
10 28 ~~on condition that unpaid supervision fees be paid,~~ the officer
10 29 may order the discharge of a person from probation after
10 30 approval of the district director and notification of the
10 31 sentencing court and the county attorney who prosecuted the
10 32 case.

10 33 4. At the expiration of the period of probation and if the
10 34 fees imposed under section 905.14 have been paid ~~to or waived~~
~~10 35 by the judicial district department of correctional services~~
11 1 ~~or on condition that unpaid supervision fees be paid,~~ the
11 2 court shall order the discharge of the person from probation,
11 3 and the court shall forward to the governor a recommendation
11 4 for or against restoration of citizenship rights to that
11 5 person. A person who has been discharged from probation shall
11 6 no longer be held to answer for the person's offense. Upon
11 7 discharge from probation, if judgment has been deferred under
11 8 section 907.3, the court's criminal record with reference to
11 9 the deferred judgment shall be expunged. The record
11 10 maintained by the state court administrator as required by
11 11 section 907.4 shall not be expunged. The court's record shall
11 12 not be expunged in any other circumstances.

11 13 EXPLANATION

11 14 This bill relates to the department of corrections and
11 15 inmates committed to the custody of the director of the
11 16 department of corrections.

11 17 Code section 901.4, relating to the confidentiality of a
11 18 presentence investigation report, is amended. The bill
11 19 provides that the department of corrections and a judicial
11 20 district department of correctional services may release a
11 21 presentence investigation report to a substance abuse or
11 22 mental health service provider when referring an inmate for
11 23 services. A presentence investigation report generally
11 24 contains information about the inmate, the crime committed,
11 25 and the impact on the victim.

11 26 Code sections 901B.1, 904.108, and 905.7, relating to

11 27 intermediate criminal sanctions programs, inmate education and
11 28 treatment, and assistance by the department of corrections to
11 29 the judicial districts, are amended. The bill provides that
11 30 intermediate criminal sanctions programs, inmate education and
11 31 treatment, and assistance by the department of corrections to
11 32 the judicial districts are contingent upon sufficient funding.

11 33 Code section 901B.1(1)(c)(5) relating to a substance abuse
11 34 treatment facility operated by the Iowa department of public
11 35 health is amended. The bill permits a substance abuse
12 1 facility to be operated by the department of corrections.

12 2 Code section 903A.2, relating to the accumulation of earned
12 3 time credits by an inmate, is amended. Under the bill, an
12 4 inmate may earn up to an additional 365-day reduction of the
12 5 remaining balance of the inmate's sentence if the inmate
12 6 commits an exemplary act. The bill provides that the director
12 7 shall by policy identify what constitutes an exemplary act
12 8 which warrants a reduction of sentence. The amendment to Code
12 9 section 903A.2 does not apply to an inmate serving an 85
12 10 percent sentence.

12 11 Code section 903A.3, relating to inmate appeals over loss
12 12 of or forfeited earned time, is amended. The bill changes the
12 13 inmate appeals process. Current law provides an inmate may
12 14 appeal an order of an administrative law judge to the
12 15 superintendent or warden of the institution, and if the inmate
12 16 is not satisfied with the ruling of the superintendent or
12 17 warden, the inmate may appeal to the director of the
12 18 department of corrections. The bill prohibits appeals
12 19 directly to the director, thus the final appeal of an inmate
12 20 is to the superintendent or warden before any action may be
12 21 filed in district court.

12 22 Code sections 904.206 and 904.207, relating to the
12 23 violators facility at the correctional facility in Newton, are
12 24 amended. The bill provides that the department of corrections
12 25 may establish a violator facility at the correctional facility
12 26 in Newton. Current law requires that the violator facility be
12 27 established and maintained at the correctional facility in
12 28 Newton.

12 29 Code section 904.503(2), relating to the treatment of
12 30 mentally ill inmates, is amended. The bill provides that a
12 31 mentally ill inmate may be treated at the Iowa medical and
12 32 classification center at Oakdale, or another appropriate
12 33 facility within the department of corrections. Current law
12 34 provides that a mentally ill inmate be treated at the Iowa
12 35 medical and classification center at Oakdale.

13 1 Code section 904.503(2) relating to the treatment of
13 2 mentally ill inmates whose sentence has expired is amended.
13 3 The bill strikes the subsection that requires the director of
13 4 the department of corrections to have a mentally ill inmate
13 5 examined upon expiration of the inmate's sentence.

13 6 Code sections 904.508, 904.702, and 906.9, relating to an
13 7 inmate savings fund, are amended. Under the bill, an inmate
13 8 upon discharge, parole, or work release shall receive up to
13 9 \$100 from the inmate savings fund. The bill provides that
13 10 moneys sent to an inmate from a source other than the
13 11 department of corrections in addition to a portion of inmate
13 12 allowances shall be deposited into the inmate savings fund
13 13 until the moneys attributable to the inmate equal \$100.
13 14 Current law provides that a portion of the allowance an inmate
13 15 earns from labor shall be deposited in the inmate savings
13 16 fund. Current law provides that an inmate shall receive \$100
13 17 from the inmate savings fund upon discharge or parole, or \$50
13 18 upon assignment to work release, even if the amount of the
13 19 inmate's moneys in the fund is less than \$100. If an inmate
13 20 possesses funds in excess of \$100 in the fund, the bill and
13 21 current law provide for disbursement of these funds pursuant
13 22 to Code section 904.702.

13 23 Code section 904.508A, relating to the inmate telephone
13 24 rebate fund, is amended. The bill eliminates the requirement
13 25 that the inmate telephone rebate fund be established and
13 26 maintained in each correctional facility.

13 27 Code section 904.513, relating to placement of persons
13 28 convicted of a third offense of operating while intoxicated,
13 29 is amended. The bill provides that a person convicted of a
13 30 third offense of operating while intoxicated, who is assigned
13 31 to a community residential treatment facility and there is
13 32 insufficient space at the facility, may be committed to the
13 33 custody of the director of the department of corrections for
13 34 assignment at a correctional facility until there is
13 35 sufficient space at the residential treatment facility.

14 1 Code section 904.516, relating to special education needs
14 2 of children committed to the custody of the department of

14 3 corrections, is amended. The bill requires, if sufficient
14 4 funding is available, the department of corrections to provide
14 5 special education to child inmates who require special
14 6 education pursuant to Code chapter 256B.
14 7 Code section 907.9, relating to the payment of supervision
14 8 fees pursuant to Code section 905.14, is amended. The bill
14 9 provides that a person on probation may be discharged from
14 10 probation on condition that supervision fees assessed pursuant
14 11 to Code section 905.14 are paid.
14 12 LSB 1287DP 80
14 13 jm/cf/24